

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

| | | |
|------------------------------------|---|-----------------------------------|
| United States of America, et al. |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 1:02cv00107 |
| |) | (Consol. with C-1-02-108 and |
| |) | C-1-02-135) |
| The Board of County Commissioners, |) | |
| Hamilton County, Ohio |) | Judge S. Arthur Spiegel |
| |) | Magistrate Judge Timothy S. Hogan |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |
| |) | |

DECLARATION OF PETER P. MURPHY IN SUPPORT OF REPLY
OF DEFENDANTS TO INTERVENOR SIERRA CLUB'S
MEMORANDUM IN OPPOSITION TO ENTRY OF THE CONSENT DECREES

I, Peter P. Murphy, state and declare as follows:

1. I am over 18 years of age and am competent to testify regarding the following:
2. I serve as outside counsel to Defendants in this matter.
3. I have attached to this Declaration true and correct copies of the following

documents:

- A. The judgment in *Sierra Club v. City of Little Rock*, No. 4:00CV022JMM (E.D. Ark. Nov. 16, 2001), which enters and attaches the included "Settlement Agreement Between Sierra Club and Little Rock Sanitary Sewer Committee," and was used as Defendants' Exhibit #13 in the February 5, 2003, oral deposition of Bruce A. Bell, Ph.D., P.E.
- B. Excerpts of the oral deposition of Bruce A. Bell, Ph.D., P.E., taken under oath on February 5, 2003.

- C. Excerpts of the "First Amended Decree" entered on December 20, 1999, in *United States v. City of Atlanta*, Civ. Action No. 1:98-CV-1596-TWT (N.D. Ga)
- D. Excerpts of the "Consent Decree" entered on December 17, 2002, in *United States v. City of Toledo*, Civ. Action No. 3:91:CV7646 (N.D. Ohio).
- E. Excerpts of the "Consent Decree" entered on May 9, 2002, in *United States v. City of Youngstown*, Civ. Action No. 4:98CV2438 (N.D. Ohio).
- F. Excerpts of the "Consent Decree" entered on March 15, 2002, in *United States v. City of Baton Rouge*, Case No. 01-CV-978 (M.D. La).
- G. Excerpts of the oral deposition of Patrick T. Karney, P.E., DEE, from his second day of testimony, taken under oath on January 30, 2003.
- H. The "Settlement Agreement" between San Francisco Baykeeper and the Vallejo Sanitation and Flood Control District executed on May 18, 1999, and approved by the court on June 14, 1999, in *San Francisco Baykeeper v. Vallejo Sanitation*, Case No. 96-CV-1554 (E.D. Cal.).

I swear under the penalty of perjury that the foregoing is true and correct.

Executed on May 13, 2004.



Peter P. Murphy